United Nations S/PV.3504

Security Council

Fiftieth Year

Provisional

3504th Meeting

Monday, 27 February 1995, 1.10 p.m.

New York

President:	Mr. Legwaila	(Botswana)
Members:	Argentina	Mr. Cárdenas
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Kovanda
	France	Mr. Mérimée
	Germany	Mr. Kaul
	Honduras	Mr. Rendón Barnica
	Indonesia	Mr. Wibisono
	Italy	Mr. Casardi
	Nigeria	Mr. Gambari
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Bakuramutsa
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mr. Inderfurth

Agenda

The situation concerning Rwanda

95-85168 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 1.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Rwanda

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1995/153, which contains the text of a draft resolution submitted by the United States of America.

It is my understanding that the Council is ready to proceed to vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Li Zhaoxing (China) *(interpretation from Chinese):* The Chinese Government and people have been following very closely the developments in Rwanda. Earlier this month I made my first visit to Rwanda as a member of the Special Mission of the Security Council, during which I met with officials of the Rwandese Government and other personages and learned a lot from the Rwandese people.

What I saw and heard in Rwanda is full of strong contrasts. On one hand, Rwanda is a beautiful and richly endowed land, and its people are industrious and talented. Having just experienced a tragedy of enormous dimensions, the Rwandese Government and people have already made some gratifying progress in restoring and maintaining social stability and in promoting national reconciliation. In Kigali and some other places I witnessed the Rwandese people rebuilding their homeland, and engineers and technicians from many countries, including China, working side by side with them. On the other hand, the wounds caused by the recent tragedy are far from being healed, and many destabilizing factors still exist — prominent among them being the millions of refugees and internally displaced people still living a miserable life and unable to return to their homes.

The Hutus and Tutsis in Rwanda have lived together and intermarried for generations. They share the same language and religion and have common cultural traditions, and they have set up many happy families through intermarriage. They fought together against colonialism and for national independence in the past, and are now faced with the common task of developing their economy and restoring social stability. They therefore have every reason, and are able, to live in amity.

Obviously, the background and causes of the turmoil, massacre and tragedy are profoundly complicated, multifaceted and, indeed, thought-provoking. When I left Rwanda, with mixed feelings, I was convinced that the Rwandese people, with the help of the international community, including the help of the United Nations and African neighbours, would surely be able to master their own future and destiny, on the basis of an in-depth analysis and digest of the historical experience and lessons.

The Rwandese people are faced with a very arduous task of rehabilitation and reconstruction. They have to rely mainly on their own strength to gradually achieve national reconciliation. At the same time, they need encouragement and assistance from the international community, including the Security Council. All outside efforts and assistance should contribute to political and social stability in Rwanda, and must follow the principles of respect for State sovereignty and non-interference in others' internal affairs, as set forth in the United Nations Charter, and must be based on the necessary condition of the consent and cooperation of the Rwandese Government.

The draft resolution before us, which has the full support of the Rwandese Government, is aimed at assisting the Rwandese Government and people properly to address the problems left over from the recent tragedy and to prevent criminals from remaining at large. The Chinese delegation hopes that its adoption will further promote the peace process in Rwanda and help the Rwandese people to achieve national reconciliation so that they can live and work in peace and contentment at an early date.

Mr. Inderfurth (United States of America): We believe that it is important that persons suspected of leading last spring's genocide in Rwanda or in States neighbouring Rwanda should be detained until the International Tribunal for Rwanda can investigate and make decisions about prosecution. Their detention, as

called for in this draft resolution, would be a tangible sign of the international commitment to holding individuals accountable for these atrocities and would thus improve prospects for reconciliation in Rwanda. Having defendants in custody would also enhance the credibility of the International Tribunal, which will start investigations in the next few weeks.

I should like to highlight especially two aspects of the draft resolution — both dealing with the aftermath of the tragic conflict in Rwanda. In the first place, the draft resolution underscores the objective of the International Tribunal, established pursuant to Security Council resolution 955 (1994). If the Tribunal is to contribute to terminating the impunity with which atrocities were committed in Rwanda in the past, it is necessary that it be able to take custody of those who committed such acts. Such persons must not be allowed to slip away.

The final preambular paragraph, which reminds States of their obligations under resolution 955 (1994), and paragraph 1, which asks States to arrest and detain persons who there is reason to believe committed acts within the jurisdiction of the Tribunal, are steps to this end.

In the second place, the draft resolution seeks to ameliorate the situation in the refugee camps and to facilitate the return of the refugees. It condemns attacks against persons in the camps and calls upon States to take steps to prevent such attacks. It calls upon States to arrest and detain persons when there is reason to believe that they incited or participated in such attacks. Removing those who threaten violence against refugees if they attempt to return to Rwanda removes one of the major impediments to voluntary return. Of course, the draft resolution makes it clear that the arrest and detention of persons must take place within the framework of law, including international standards concerning human rights.

The draft resolution is a step in a process. It builds on the resolutions that the Council has adopted, which are recalled in the first preambular paragraph. It is not the end of the process. There is much that remains to be done to complete the establishment of a Tribunal so that it is in a position to try and punish those guilty of serious violations of international humanitarian law. There is much that remains to be done to establish a justice system in Rwanda. By adopting this draft resolution today we would move the process along and provide further evidence of our commitment to continue to do so.

Let me say in conclusion that we have been pleased to work with the other members of the Council — including in particular Rwanda — to achieve the adoption of the draft resolution.

The President: I shall now put draft resolution S/1995/153 to the vote.

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 978 (1995).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Mérimée (France) *(interpretation from French):* France has just supported the resolution concerning the detention of Rwandese suspects. It has done so because it intends to assist in the process of national reconciliation, democratization and the establishment of the rule of law in Rwanda. Trying criminals that have taken part in acts of genocide undoubtedly has a role to play in this process. By the same token, we think that everything should be done to discourage acts of intimidation against the refugees now living in camps outside Rwandese territory who wish to return to their country. The text we have just adopted might be useful inasmuch as it constitutes a political message to all States and, in particular, those neighbouring Rwanda, that they should consider detaining those who have committed genocide and other individuals who carry out criminal acts in and around the camps.

Nevertheless, my delegation cannot hide the fact that adopting a resolution was never, in its view, the right way to send such a message. The priority, to our mind, is that the International Tribunal should start work as soon as possible, that is, now that the location of its seat has been chosen, the judges should be elected and should start work. When this is done and the rules of procedure have been adopted, it will be possible for all States that need to do so to adopt the necessary domestic legislation

to enable them to cooperate fully with the Tribunal. From that moment on, the arrest and detention of those suspected of committing acts of genocide and serious violations of international humanitarian law will be possible, at least in most cases. We should not close our eyes to the fact that until that time such measures are quite simply impossible in law in many States.

That is why a resolution under Chapter VII requiring all States immediately to detain the suspects they have in their territory would in our view have been absolutely out of the question.

The most appropriate legal formula would have been a presidential statement calling for the Tribunal to start work soon and for States to take any measures that might be needed to adapt their criminal law and only then requesting States to make the necessary arrests and detain people.

Nevertheless, a presidential statement would have presupposed a consensus among members of the Council and, despite our efforts, it has not been possible to achieve one. In these circumstances, rather than risking paralysis, we took pains to make acceptable the draft resolution that was available to us.

Our efforts have helped develop a text that, in its final version, makes no mention of Chapter VII of the Charter, addresses requests to States that are not binding in nature and specifies that any detentions will be effected in accordance with their national law — which, in our view, means that only those States that have domestic legislation enabling them to act along the requested lines will be able to do so, as the resolution cannot serve by itself alone as a legal basis for arresting anyone. Also, the two categories of acts — those that fall within the competence of the Tribunal and others, i.e., serious acts of violence in the camps — are clearly distinguished in the text and treated separately. This is also important, since there must be no confusion about this point.

This text is, then, in our view, not only an acceptable but a positive one in that it can and must be understood as a call to proceed to detentions that applies only to those States that have the necessary legislation to be able to do so legally in the case of alleged perpetrators of acts falling within the competence of the International Tribunal.

By limiting instances of impunity, the resolution we have just adopted also contributes towards the return of the rule of law in Rwanda, and this we welcome.

Furthermore, the international community is following very closely any initiatives taken by the Security Council in the field of international criminal law now that thought is being given as to what tomorrow's international legal institutions might look like. We should therefore be vigilant and see to it that respect for individual freedoms in criminal legal proceedings is properly ensured under the decisions recommended by the Council. My delegation will continue to pay special attention to this point in the future.

Mr. Bakuramutsa (Rwanda) *(interpretation from French):* My delegation would like to thank the delegation of the United States, which prepared this resolution — and the other members of the Council that worked on it — on the detention of persons found guilty of crimes against humanity, both within and outside Rwanda.

The resolution is of great importance for Rwanda and its people, since those who committed genocide and other crimes against humanity in Rwanda had held sway in the country for three and a half decades. They committed several waves of massacres with no one ever to bother them, since they were carrying out Government policy. The consequence of this impunity was the genocide that took place in full view of the world, which did not lift a finger to stop it.

The resolution will also make it possible to protect refugees and other citizens of Rwandese origin living in neighbouring countries, who are right now still falling victim to the same butchers that are going on killing without a shred of remorse or repentance for their acts.

The resolution could play a preventive role because, if the perpetrators of these crimes are not arrested, their actions are likely to set the subregion ablaze. The genocide perpetrated in Rwanda — a crime unique in Africa — has demonstrated to some, particularly Rwanda's neighbours, that such a thing is possible. The affluence in which the perpetrators live, the impunity that they enjoy, are an encouragement to criminals in other countries to do likewise.

My delegation is sure that you, Mr. President, and the Office of the Secretary-General, in the context of preventive diplomacy, increasingly a tool of choice in this Organization, are closely following everything that happens in the world. In this context, I should like to remind the Council that these Rwandese and other criminals are busy training in the countries of the

subregion, with the assistance and support of friendly countries, with a view to attacking Rwanda. Just in case this information turns out to be true, my delegation would urge the Council to check and, in the context of the aforementioned preventive diplomacy, find an appropriate solution before it is too late.

This is why the resolution is of concern not only to Rwanda, but also to the whole of Africa and to the world. For if impunity should persist and no action is taken, what happened in Rwanda is very likely to happen again in other countries of the region, where the situation has been described as potentially explosive. As we speak, battles are raging in certain areas of Africa, while elsewhere, some groups are preparing to eliminate opposing ethnic groups or factions. This problem is not peculiar to Africa; the same situation has taken deep root in the heart of Europe.

The resolution sends a clear and firm message to other political and ethnic organizations that might be tempted to repeat what has happened in Rwanda, and tells them that their actions will not go unpunished. That is why we wanted this resolution to be much stronger and much more binding than it is in its present form. It did not escape unscathed from the process of making it acceptable for adoption.

The Security Council could draw a lesson from what happened in Rwanda to spare Africa and the world a replay of that calamity. The Rwandese Government, for its part, also has a great deal to learn, but it also has a great deal of experience to share with others.

My delegation would conclude by asking the Security Council to take care that Rwanda's internal security is assured so that these same criminals cannot take advantage of the arms embargo against Rwanda to disturb the peace in the country. If Rwanda is to be responsible for its own security and internal peace, the Security Council must ditch some of the provisions that are no longer warranted from its previous resolutions.

The resolution would be incomplete if it did not go hand in hand with legal measures inside Rwanda that will make it possible to build the country ruled by law of which the Rwandese people dream.

The President: There are no further speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 1.30 p.m.

United Nations S/PV.3505

Security Council

Fifteth Year

Provisional

3505th Meeting

Tuesday, 28 February 1995, 11 a.m.

New York

President:	Mr. Legwaila	(Botswana)
Members:	Argentina	Mr. Cárdenas
	China	Mr. Li Zhaoxing
	Czech Republic	Mr. Kovanda
	France	Mr. Mérimée
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wisnumurti
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Sir David Hannay
	United States of America	Mr. Gnehm

Agenda

The situation in the occupied Arab territories

Letter dated 22 February 1995 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council (S/1995/151)

95-85180 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 11.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories

Letter dated 22 February 1995 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council (S/1995/151)

The President: I should like to inform the Council that I have received letters from the representatives of Algeria, Brunei Darussalam, Djibouti, Egypt, the Islamic Republic of Iran, Israel, Japan, Jordan, Malaysia, Morocco, Pakistan, Sudan, the Syrian Arab Republic, Tunisia, Turkey and the United Arab Emirates, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Yaacobi (Israel) took a place at the Council table; Mr. Lamamra (Algeria), Mr. Abdul Momin (Brunei Darussalam), Mr. Olhaye (Djibouti), Mr. Elaraby (Egypt), Mr. Kharrazi (Islamic Republic of Iran), Mr. Owada (Japan), Mr. Abu Odeh (Jordan), Mr. Razali (Malaysia), Mr. Snoussi (Morocco), Mr. Marker (Pakistan), Mr. Eltinay (Sudan), Mr. Awad (Syrian Arab Republic), Mr. Abdellah (Tunisia), Mr. Batu (Turkey) and Mr. Samhan (United Arab Emirates) took the places reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 28 February 1995 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/1995/166 and which reads as follows:

"I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current debate of the Security Council with regard to the illegal Israeli settlement activities in the occupied Palestinian territory."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a place at the Council table.

The President: I should like to inform the Council that I have received a letter dated 28 February 1995 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which reads as follows:

"In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the honour to request that I be invited to participate in the meeting of the Security Council to consider the question of the establishment of Israeli settlements in the territories occupied since 1967, including Jerusalem, and the dangerous consequences of these activities on the Palestinian people and the Middle East peace process, under rule 39 of the provisional rules of procedure of the Security Council."

On previous occasions, the Security Council has extended invitations to representatives of other United Nations bodies in connection with the consideration of matters on its agenda. In accordance with past practice in this matter, I propose that the Council extend an invitation under rule 39 of its provisional rules of procedure to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 28 February 1995 from the Permanent Representative of Morocco to the United Nations, which reads as follows:

"I have the honour to request that the Security Council extend an invitation under rule 39 of its provisional rules of procedure to His Excellency

Ambassador Engin A. Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, during the Council's discussion of the item entitled 'The situation in the occupied Arab territories'."

That letter will be published as a document of the Security Council under the symbol S/1995/165.

If I hear no objection, I shall take it that the Council agrees to extend an invitation under rule 39 to His Excellency Mr. Ansay.

The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in response to the request dated 22 February 1995 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council, document S/1995/151.

I should like to draw the attention of the members of the Council to the following other documents: S/1995/11, letter dated 6 January 1995 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General; S/1995/14 and S/1995/95, letters dated 9 and 31 January 1995 respectively from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General; and S/1995/50, letter dated 17 January 1995 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General.

The first speaker is the Permanent Observer of Palestine, on whom I now call.

Mr. Al-Kidwa (Palestine) *(interpretation from Arabic):* Mr. President, it is our pleasure to participate in the deliberations in the Security Council during the few remaining hours before the end of this month under your wise presidency. Allow me, Sir, to seize this opportunity to express my congratulations to you on a very successful presidency of the Security Council during the month of February, and also to express to the friendly country of Botswana our congratulations on its being a member of the Security Council.

Allow me also to commend the presidency of the Permanent Representative of Argentina, Ambassador Emilio Cárdenas, with whom we were proud to cooperate on this issue when it was submitted for consideration by the Council in January.

Throughout their recent history the Palestinian people have been subjected to grave injustices, including the uprooting of a large proportion of them from their land and homes and the subjugation of those who remained to occupation, repression and the denial of their right to self-determination, a right due to all the peoples of the Earth. For many years, the international community, including with the United Nations, has been dealing with the question of Palestine in all its aspects in an attempt to put an end to the injustice done to the Palestinian people and to allow for the achievement of a just, comprehensive and lasting peace in the Middle East. Unfortunately, no great successes have been achieved in this respect, despite the significant steps that have been taken and despite some accomplishments towards the achievement of the goals for which we strive.

One of the harshest things endured by our people, which is also a grave violation of their inalienable rights, is the campaign of settler colonialism waged on Palestinian lands occupied by Israel, the occupying Power, since 1967, including Jerusalem. This campaign was carried out in the past, and continues to be waged, before the very eyes of the international community, and despite the will and the stated positions of the United Nations as set forth in various relevant resolutions. The fact is that Israel, since the early days of the occupation, under both Likud and Labour-led Governments, has confiscated Palestinian land and State-owned land for the purpose of constructing many settlements, and has transferred large numbers of Israeli settlers to those settlements in an obvious campaign to colonize the land it occupies and to change the land's demographic structure, thus paving the way to the total or partial annexation of this land.

All this has been done using different methods and at different rates throughout time, in accordance with the prevailing domestic, as well as international, situation at any given period. Nevertheless, it has always been carried out in a way in which each step complemented the preceding one, amounting to a calculated policy with very clear objectives. This has always constituted a clear violation of international humanitarian law, particularly the Fourth Geneva Convention of 1949, as well as of the resolutions of the various bodies of the United Nations. The General Assembly has adopted scores of resolutions reaffirming the applicability of the Fourth Geneva Convention to all the territories occupied since 1967 and

calling upon Israel to abide by the provisions of the Convention. These resolutions also consider the Israeli settlements in the occupied territories to be illegal, and demand that Israel, the occupying Power, immediately cease its policy and practice of settlement-building.

Further, the Security Council has adopted a large number of resolutions with similar content with regard to the applicability of the Fourth Geneva Convention, and the Council has adopted more than five resolutions dealing primarily with the settlements and the confiscation of land. Some of these resolutions, in addition to those provisions, have called for the dismantlement of the settlements. The Council also formed a commission of three of its members to examine the matter and present reports to the Council, and this has been done.

We are witnessing a rare case in the history of the United Nations, as well as in contemporary international relations, in that a Member State has for over 25 years continued a specific policy and action, thereby creating facts on the ground, despite the consistent and clear positions taken by the Security Council and General Assembly. The failure of the Council to impose its will in this case, compared with some other cases, has allowed Israel to continue pursuing its policy up until the present date, resulting in the existence of approximately 140 settlements in the occupied Palestinian territory, inhabited by approximately 300,000 settlers, including those settlers brought to East Jerusalem.

The settlers are a major source of repression and injustice against the Palestinian people, ranging from stealing their lands and their water, to interfering in and even destroying their daily lives — as in the case of the city of Hebron, where the presence of about 400 settlers has led to the destruction of normal life for some 80,000 Palestinians — and to repression and outright harassment by armed settlers, who in reality constitute an armed militia in the occupied Palestinian territory.

Is there any comparable situation elsewhere in the world? Has anything like this ever happened in the history of the twentieth century? The Council has a fundamental responsibility in this regard, including the preservation of the integrity of international law and international humanitarian law, and of the integrity of previous Security Council resolutions. It has a responsibility to ensure that justice is achieved and that hope is restored to the Palestinian people by bringing a final and comprehensive end to any and all settlement activity in the occupied territories.

Then came the peace process and the historic handshake at the White House upon the signing of the Declaration of Principles, which was followed by many agreements, the most important of which was the first agreement on the implementation of the Declaration of Principles, relating to the Gaza Strip and the Jericho area. No one, at least no one on the Palestinian side, imagined that the Israeli Government would actually continue carrying out its settlement policy while seeking to move forward in the peace process: the two things simply cannot be reconciled.

The Declaration of Principles led to the postponement of negotiations on a number of important issues, including settlements. This, of course, does not and should not mean any change in our position or in the position of the international community in this regard, or for that matter any change in the status of the settlements, which are illegal and constitute a real obstacle to the achievement of a comprehensive peace. The same logic must be applied also to the issue of Jerusalem and to other issues on which negotiations have been postponed.

The minimum required for negotiations in good faith is that the negotiating parties desist from creating facts on the ground that affect the negotiating process and preempt the results of that process. Unfortunately, however, the Israeli Government is doing exactly the opposite with regard to the settlements, particularly around Jerusalem, with regard to Jerusalem in general and in respect of certain other areas, such as Hebron. This situation requires the full and scrupulous implementation of all relevant Security Council resolutions, the most recent among them being resolution 904 (1994).

The present Government of Israel claimed that its settlements policy would be different from that of previous Governments, but the facts do not bear this out. Some sources have estimated that there has been a 10-per-cent increase in the number of units built under the current Government, and other sources estimate the increase in the number of settlers as 15 per cent. Moreover, it is a fact that the Israeli Cabinet committee overseeing the matter has recently taken specific decisions to continue settlement activities, as we indicated in our letter dated 31 January 1995 addressed to the Secretary-General (S/1995/95).

We firmly believe that any settlement activity in the occupied Palestinian territory, including Jerusalem, constitutes a flagrant violation of the letter and the spirit

of the Declaration of Principles, the Fourth Geneva Convention and relevant Security Council resolutions. What is needed now is the immediate and total cessation of all settlement activity, whatever its nature or volume — full stop. The alternative could seriously undermine the peace process. Clearly, the Palestinian situation has reached the point where the average person can no longer accept any other position or practice.

The Council therefore has a basic responsibility here, in addition to the responsibilities to which I referred earlier: guaranteeing the continuation and integrity of the peace process, as the Council has done in the past with the adoption of resolution 904 (1994), which helped salvage the peace process and set it back on the right path.

We cannot continue to talk about our main subject without referring to other Israeli practices that violate the human rights of the Palestinian people or that are not compatible with, and actually endanger, the peace process. These include the repeated closures of the occupied territory, the isolation of Jerusalem and the delays in the implementation of agreements between the two sides.

Some quarters in the media are presenting the closure issue just as the Israelis do, as though it were only a way to prevent Palestinians, including Palestinian labourers, from entering Israel and to prevent traffic in the other direction as well. If that were all it was, we would have accepted it on the basis of our national pride and dignity, despite Israel's full responsibility for the situation that has resulted from its policies, which destroyed the Palestinian economy during the prolonged occupation. But the matter is much worse than that. The closure also divides the Palestinian land by isolating some parts from others — Gaza from the West Bank, the West Bank from Jerusalem and even parts of the West Bank from each other — and by isolating the entire Palestinian territory from the outside world.

How can this be connected in any way to Israeli security concerns? Further, how can Israel, unilaterally and without warning, close the border crossings agreed upon in the Declaration of Principles? The closure is a matter completely different from that of separation. It constitutes an act of revenge and punishment against the Palestinian people and it violates many provisions of the agreement reached between the two sides. This could be said also about the isolation of East Jerusalem from the Palestinian people and from the rest of the West Bank, in spite of the clear fact that it is the religious, cultural and economic centre of the Palestinian people.

The other outstanding issue is that of Israeli delays in completing implementation of all the provisions of the Agreement on the Gaza Strip and the Jericho Area, including that providing for safe passage and those relating to commercial activities and Palestinian financial rights. In addition, there have been delays and procrastination in the implementation of the second phase of the Declaration of Principles, which was due to begin over seven months ago, especially in relation to the redeployment of the Israeli army away from populated areas and to convening Palestinian elections.

We are not talking here about mistakes or shortcomings. Mistakes do happen. Neither are we are speaking of reactions — for example, reactions to the attacks perpetrated by radical elements against Israeli targets. We have firmly condemned these attacks and have tried, within our limited resources, to deal with such acts as well as with their underlying causes in order to put an end to them, thereby maintaining law and order and achieving peace and security for both sides. We remain convinced that the fundamental solution to this phenomenon is a political one and that it is directly linked to socio-economic and political aspects.

Therefore, we are speaking here about positions and practices, some of which have been interpreted differently but that nevertheless represent what we believe is a policy aimed at delaying the implementation of the agreements reached. The most striking thing here is that such positions and practices continue despite several important meetings, such as the recent Cairo summit and the Foreign Ministers' meeting at Blair House in Washington, and despite all the other efforts made by parties concerned with the preservation of the peace process.

The peace process is walking a tight rope. It is no exaggeration to say that it is experiencing a real crisis. The process must be salvaged, and this can be achieved only through the complete fulfilment of the parties' contractual obligations emanating from the agreements we have reached, including also the time framework, which is an integral part of the agreements. We also need to put an end to policies and practices that violate these agreements and are contrary to their letter and spirit. It is also necessary to negotiate in good faith in order to implement them.

For our part, we reaffirm our strategic commitment to the achievement of peace and to the ongoing peace process, and we should like to believe that this applies

also to the Israeli side. We are confident that the sponsors of the peace process will indeed fulfil the duties that they have shouldered in this regard, and we are also confident that the other important and active parties and partners, such as the European Union and Egypt, will spare no effort in assisting the peace process.

To achieve the ultimate goal of peace, it is imperative to take the first, important step, one that could open the way and demonstrate good intentions, namely, the total cessation of all settlement activities. It is obvious that, in this respect, we need the backing and support of the Security Council. We are confident that the Council will take the necessary actions in this regard.

The President: I thank the Permanent Observer of Palestine for his kind words addressed to me. The next speaker is the representative of Djibouti. I invite him to take a place at the Council table and to make his statement.

Mr. Olhaye (Djibouti): Mr. President, we recognize the gravity of the issue that the Arab Group is bringing before the Council at this time, and we are confident that under your experienced, wise and balanced direction, the deliberations of the Council are in steady hands. We wish to express our deep appreciation for the very capable and skilful manner in which Ambassador Emilio J. Cárdenas helped to guide the Council to an auspicious beginning this year. We also wish to extend our best wishes to the new members of the Council, whose participation bodes well for what may again be a year of drama for the international community.

As Chairman of the Arab Group for the month of February, and on behalf of the members of the Group, I have the honour to raise for consideration the question of the establishment of Israeli settlements in the territories it has occupied since 1967, including Jerusalem, and the dangerous consequences of those activities for the Palestinian people and the Middle East peace process as a whole. We believe that the draft resolution before the Council is moderate and balanced, and is a positive reflection of the desire of the Arab Group to restart the negotiations in good faith. We ask the Council to conclude its present deliberations on this matter by adopting the draft resolution.

A widespread and pervasive mood of mounting disenchantment has began to permeate the Arab world, and it is the direct consequence of the near-total lack of progress in the negotiations between the Palestinians and the Israeli authorities following the historic handshake between Chairman Arafat and Prime Minister Rabin during the signing of the Declaration of Principles at the White House in September 1993.

Those Principles made no attempt to explore or to resolve the critical differences and issues standing between the Palestinians and Israel, nor were they intended to. Rather, they sought to set a tone, to create a momentum and direction toward the resolution of all substantive matters separating the two parties. Certainly, it was implicit in the negotiations that Palestinian autonomy and self-rule over the West Bank and Gaza were the immediate goals, and that the Palestinian Authority was but an interim step in the preparation of the elections designed to give voice to Palestinian political preferences and to give them full control over those areas.

But while the Palestinian leaders were negotiating with a view to ending the Israeli occupation, the Israeli Government, by its actions, seemed intent upon making that occupation endure. The agreement's stipulations for Palestinian elections in July of 1994, for the withdrawal or redeployment of Israeli forces from Arab towns and cities for a safe travel corridor for Palestinians between the West Bank and Gaza and for the release of Arab prisoners were all quick to disappear.

We cannot accept the Israeli position that, failing a demonstration by the Palestinian Authority of its ability to control all acts of terrorism, implementation of the terms of the agreement cannot continue. In fact, in 27 years of stifling occupation, Israel has failed to halt the violence. Besides, the evidence appears to show that the Palestinian Authority has maintained the called-for control over all PLO elements and personnel to ensure their compliance with the agreement and prevent violations and discipline violators. If anything, the bulk of any terrorist acts must be laid at the door of non-PLO elements in Palestine. To saddle Chairman Arafat and the Palestinian Authority now with the task of stamping out terrorism and, until this is achieved, maintaining the border closure, defeats the basic objectives of the peace process and makes a mockery of the honest efforts exerted by the Arabs.

If the issue of terrorism is to be employed as a device to halt progress, then surely those factors contributing to it must be emphasized. Few impediments to progress are more implacable and emotional than that of Israeli settlers who both remain in and continue to settle the occupied territories, and that this could be

supported by the Israeli Government in full knowledge of the ultimate and unavoidable consequences is difficult to believe when there is plainly a direct correlation between the violence in the occupied territories and the continued expansion of Jewish settlements in the West Bank.

It is virtually axiomatic that for the peace process to resume in a meaningful manner, settlements in the West Bank must be immediately frozen and those in Gaza dismantled. To do otherwise exacerbates the security situation, continues the unlawful application of the law to Palestinians, fans the flames of resentment and offers another pretext for the continued presence of Israeli forces. This simply delays withdrawal, elections and progress in the peace process. Should extremist elements gain control of the Israeli Government, one could expect not simply the halt of progress towards peace and resolution, but also retrogression to conditions which spawned the outbreak of the *intifadah*.

Contrary to the expectations implicit in the Declaration of Principles of 1993, that Israeli settlements would cease during the interim period of negotiations, a mounting area of Palestinian territory is being confiscated each month. Of particular concern is the huge acreage seized for highway construction to ease access for settlers, the real effect of which is to carve the occupied territories into ghetto enclaves, which prevents the creation of a cohesive nation. It will also present the Palestinians with a "geographic fact", effectively predetermining negotiations in the future. Such acts obviously pre-empt the negotiations and deliberately complicate issues dealing with settlers, settlements, the status of Jerusalem, Israeli intentions and good faith, the wider overall Middle East peace process and the prospects for near-term peace and regional economic development.

Israel cannot have it both ways: peace and settlement. The policy of continuing to construct and sell housing units, establishing new settlements and confiscating and expropriating Arab land in Jerusalem and its environs, while planning still further construction, is sure to bring the peace process to a halt at some point. That such a policy and such activities are contrary to international law, General Assembly and Security Council resolutions and the Fourth Geneva Convention of 1949 is well documented.

For the Arab world the key to negotiations and agreements with Israel begins with Palestine. The crisis with Israel began with Palestine, and before there can be sustained peace elsewhere in the Middle East the issue of self-rule in Palestine needs to be resolved. Surely the manner in which widespread efforts were made to meet with Israel and to settle divisive issues of long standing was a clear indication of the Arab world's desire to seek peace. But now there is much to question regarding Israel's good faith in desiring genuine accord with the Palestinians and, by extension, the rest of the Arab world. The choice for Israel is to take those genuine measures which will move the peace process with all deliberate speed. As Palestinians see their leaders unable to meet Israel's ever growing unreasonable requirements and at the same time incapable of doing much, under the circumstances, to improve their lives, their frustration and level of desperation will surely rise. In the final analysis, sound judgment will prevail.

In conclusion, we wish to say to Israel "The Arab commitment to the peace process is irreversible; don't give up the ship!"

The President: I thank the representative of Djibouti for the kind words he addressed to me.

I should like to inform the Council that I have just received a letter from the representative of Lebanon in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mahmoud (Lebanon) took the place reserved for him at the side of the Council Chamber.

The President: The next speaker is the representative of Israel, on whom I now call.

Mr. Yaacobi (Israel): At the outset, I would like to congratulate you, Mr. President, on the able manner in which you have conducted the affairs of the Security Council this month. I would also like to congratulate your predecessor, Mr. Emilio Cárdenas, on his skilled conduct of the Council's affairs.

I would like to begin with some comments regarding the issue of settlements. Here I wish to emphasize that the PLO's initiative to debate this issue in the Security

Council is incompatible with its signed commitments *vis-à-vis* Israel. In the first place, the PLO has committed itself repeatedly in its agreements with Israel to resolve all outstanding permanent-status issues, such as settlements and Jerusalem, in direct and bilateral negotiations. Secondly, in these same agreements the PLO committed itself to settling these issues at a specific time — namely, in the negotiations on permanent status, at the final stage of the process. It was agreed not to address these issues at the present time.

These commitments were made numerous times throughout the agreements. I will spare the Council a detailed account of every specific instance. However, I wish to call its attention to article V, paragraph 3, of the Declaration of Principles, whereby Israel and the PLO agreed that the issue of settlements would be dealt with in the permanent-status negotiations, not at the present time. I would also draw the Council's attention to the fourth paragraph of Chairman Arafat's letter to Prime Minister Rabin dated 9 September 1993 and to the preambles to the Declaration of Principles and the Gaza-Jericho Agreement. In these documents the PLO committed itself to resolving outstanding issues through negotiations, not through the intervention of outside parties.

Furthermore, we find it difficult to understand why the PLO seeks to address its concerns in the Security Council rather than through the agreed mechanisms for settling differences and disputes that were specified in article XV of the Declaration of Principles, as well as in article XVII of the Gaza-Jericho Agreement.

For all these reasons, Israel considers it highly inappropriate for the PLO to have initiated a debate on this matter in the Security Council, in contradiction of the agreements it signed with Israel.

For the record, I wish to explain the basic elements of Israel's settlement policy. Immediately after the present Government of Israel was formed in July 1992, it substantially changed Israel's settlement policy. This was not done because of any external pressure or legal claims. The new policy was adopted long before the agreements with the PLO. Rather, it stems from our deep conviction about the kind of Israel we want to have and from our profound belief that the best alternative is peace based on security, understanding and cooperation. Therefore, no new settlements have been established in the territories since then, nor will they be. The Government stopped allocating public resources to support the extension of existing settlements. No land has been or will be confiscated to establish new settlements.

Yes, we continue to build in Jerusalem, as the Arabs do. They have not stopped building, and this is their right. We have not stopped building, and this is our right.

The peace process has faced challenges and difficulties ever since Israel and PLO signed the Declaration of Principles in September 1993. But the significance of this and subsequent agreements must not be ignored: Israel regards the agreements with the PLO as a historic breakthrough. We firmly believe that there is no better alternative than peace, freely and directly negotiated by the parties themselves. In the past year and a half alone, more progress has been made towards comprehensive peace in the region than in the entire half century preceding it. For the first time in their history, the Palestinians are taking responsibility for their own affairs. The Israel Defence Forces have already withdrawn from the Gaza Strip and the Jericho area, and the Palestinian Authority has been established there.

Israel and Jordan signed three agreements: one outlining peace, one ending the state of war and one that was a full-fledged peace treaty. This is the second peace treaty between Israel and an Arab State following the ground-breaking peace with Egypt 16 years ago. In addition, Israel has established formal relations with Morocco and Tunisia through the exchange of liaison offices.

These developments are part of a growing recognition that direct dialogue is the only way to solve the issues that divide us. Military conflict and solutions imposed from the outside have not solved the Arab-Israeli conflict. As we turn our gazes from the past to the future, we also find new problems that do not distinguish between Arab and Israeli: economic, environmental, humanitarian and so on. We can solve them only by working together. October's economic summit, in Casablanca, Morocco, brought Arab, Israeli and other businessmen and government leaders together to promote regional cooperation. Another conference is expected to take place in Amman, Jordan, next October.

These significant developments — which have all taken place since the signing of the agreement between Israel and the PLO — bring us closer to a comprehensive peace, yet, at the same time, opposition to the peace process has become more and more violent. Terrorism is

now the major obstacle to peace. Radical fundamentalists with ties to Iran and leading the campaign. Their goal is to derail the peace process. Their strategy is to provoke a cycle of violence and sow anger, hatred and resentment towards further progress. Their method is to kill Israeli men, women and children going about their daily lives.

Israel has already paid a high price: 116 killed since the signing of the Declaration of Principles and 634 injured. On 6 April 1994, Hamas terrorists detonated a car bomb next to a bus in downtown Afula, in the north of Israel. They killed eight people, including three teenage students and two teachers. A week later, on 13 April, Hamas bombed another bus, this time in the coastal town of Hadera. Five people died in the attack. In October 1994, Hamas terrorists kidnapped 20-year-old Corporal Nachshon Waxman. They held him, tortured him and shot him to death. Hamas also claimed responsibility for the 19 October bombing of the Number 5 bus on Dizengoff Street, in the heart of Tel Aviv. Twenty-one Israelis and one Dutch national were killed. And just last month, on 22 January, Islamic Jihad exploded two consecutive bombs at the Beit Lid bus stop near Netanya. Twenty-one Israelis were killed. After the first bomb was detonated, the terrorists attacked the people who had rushed to help the first victims. Twenty of those killed were young men and women ranging in age from 18 to 24. After the attack, we were shocked to see thousands celebrating at the terrorists' homes in the Gaza Strip.

Israel cannot view these attacks with indifference. We cannot sit idly by and allow our people to be slaughtered. Morally and humanly, we are obligated to protect our people's lives. We are a democratic country rooted in our Jewish heritage. Both teach sensitivity to the value of human life. Our sages teach us: *Kol adam hu olam umlo'o* — "In every person is an entire world." We believe that the Palestinians understand the value we ascribe to each life. Certainly, Hamas and Islamic Jihad try to exploit this. But for the sake of its own people as well as ours, the Palestinian Authority must fulfil its obligation to combat terrorism.

As we all know, in Israel, as in all other democracies, the people ultimately decide. Therefore, the most important task before all supporters of peace is credibly to address the growing sense in Israeli public opinion that the Palestinians are unable to meet their commitments to fighting terrorism. Israel believes that the Palestinian Authority too does not want terrorism to hold the peace process hostage. The Palestinian Authority can and should do more to respect its commitment, as set out in article XVIII of the Gaza-Jericho Agreement,

> "to prevent acts of terrorism, crime and hostilities". (*A/49/180, p. 19), S/1994/727.*

The means are there. The Gaza-Jericho Agreement provides for 9,000 Palestinian police. A recent study by the donor countries identified 15,000 policemen on the rolls, and 2,000 more will be added, in accordance with the agreement between Israel and the PLO in early February. Clearly, the means are there. We expect the Palestinian Authority to disarm all those who are forbidden to possess arms. We expect it to do all in its power to combat terrorism and to bring to justice all those involved in murderous activities.

Here, I believe it is appropriate to address the issue of closing off the territories that was mentioned earlier. Closure is neither a policy nor an act of collective punishment. Rather, it is an act of self-defence in the face of repeated terrorist attacks from the West Bank and Gaza Strip. The Israeli people expect that they will be protected. As the elected leadership, it is the Government's responsibility to ensure the personal security of all citizens. Two weeks ago, Prime Minister Rabin informed Chairman Arafat of certain measures to ease the closure. These are under way, and we hope that the security situation will enable us to continue with the normalization. This is our policy.

Allow me to address our Palestinian partners: let us not lose sight of our shared hope. We have made great progress; irreversible progress, I believe. These are not easy times. They demand wisdom and leadership. The role of leadership is to pursue the best path for the people in the long run and not to lose from view for even one minute the long-term perspective. Yes, we have differences; but we also have an overriding common interest that has to come first: to create a better future for our peoples and for the people of the Middle East. The opponents of peace want nothing more than to see us fail in achieving our vision. We must not give up; we have to pursue our shared goal and our commitment to a comprehensive peace.

Yes, we have differences. We have to address them. The place to do it is at the negotiating table, as we agreed and as we hope to agree now.

The President: I thank the representative of Israel for his kind words addressed to me.

The next speaker is the representative of Egypt. I invite him to take a place at the Council table and to make his statement.

Mr. Elaraby (Egypt) *(interpretation from Arabic):* Mr. President, I have pleasure at the outset in commending your wise leadership, which reflects your judgement and your lengthy diplomatic experience. I am also happy to extend my thanks to Ambassador Emilio Cárdenas for his excellent leadership last month.

This is not the first time the Security Council has been seized of the question of Israeli settlement activity in the occupied territories. On previous occasions the Council has taken a decisive stand on this issue, which is of vital importance to, and has a direct impact on, the peace process in the Middle East. The importance of the issue is greater now because the new atmosphere in the Middle East, which heralded the dawn of a new era in the history of the region, compels the cessation of anything that could lead to a return to the practices of the past.

The peace process, which began at the Madrid Conference three years ago, has seen its fruits effectively ripen. We were able, in the Declaration of Principles between the PLO and Israel, to arrive at mutual recognition. This was followed by many agreements and steps by both parties to implement the Declaration. The peace process also led to the conclusion of a Peace Treaty between Jordan and Israel, which put an end to the state of war between the two States. Regrettably, similar progress has not so far been made on the Syrian and Lebanese tracks of the negotiations.

There is no doubt that these positive developments are merely limited steps, which do not yet lead to a comprehensive and just peace in the area. Any observer of the history of the Middle East conflict will no doubt realize the magnitude of the historic accomplishment that has been realized since the convening of the Madrid Peace Conference. The Middle East has undoubtedly entered a new phase following the signing of the Declaration of Principles and the historic meeting in Washington in September 1993, after which the Middle East and the world at large had a feeling of optimism that the language of negotiation and respect for international law and commitments would replace aggression, violence and occupation as a basis for relationships in this area, whose peoples have languished under the burden of wars and conflict. We all expected the practices of expanding Israeli settlements to be abandoned. These practices certainly run counter to the new atmosphere obtaining in the region.

The two parties — the Palestinians and the Israelis — have agreed on specific steps that represent a transitional period leading to negotiations for a final settlement. The first step — which has indeed been taken — is the withdrawal of Israel from Gaza and Jericho. Both parties also agreed upon the redeployment of Israeli forces outside the Arab cities in the occupied Palestinian territories as a prelude to Palestinian elections in an atmosphere of freedom, including freedom from the repression of the military occupation authorities, so that Palestinian authority might be extended to all occupied territories.

Egypt has assisted and continues to assist the two parties to arrive at an agreement in this regard. Regrettably, however, Israel has so far failed to honour its pledges. Indeed, the problems that confront the peace process have become more grave. Israel has responsibilities as the occupying Power. This status places upon it duties and limitations based on international humanitarian law — something that is reaffirmed by previous categorical and decisive resolutions of the Security Council and, indeed, by the very pledges of Israel itself.

Suffice it to mention briefly the provisions of the Fourth Geneva Convention, resolution 465 (1980) and the Declaration of Principles, all of which categorically forbid Israeli settlement activity in the occupied territories as one of the means of altering the natural political and demographic situation in those territories.

First, the Fourth Geneva Convention, in article 49, categorically prohibits the occupying Power from deporting or transferring any of its civilian population to the territories under its occupation. Secondly, the Security Council has adopted a number of resolutions. Here I refer merely to resolution 465 (1980), which reaffirms

> "that Israel's policy and practice of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention ... and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East". *(resolution 465 (1980), para. 5)*

The resolution

> "calls upon ... Israel ... to cease ... the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem". *(ibid., para. 6)*

In the same paragraph the Security Council strongly condemns "the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government ... of Israel to rescind those measures [and] to dismantle the existing settlements."

Thirdly — and this was mentioned a few minutes ago by the Ambassador of Israel — Israel, in the Declaration of Principles, agreed to engage in the final-status negotiations on the questions of settlements, Jerusalem, boundaries and refugees. This text applies to the existing settlements. The objective is very clear — to decide the future of these settlements.

But the scope of the text cannot in any way be expanded under the pretext that the wording is flexible and permits the establishment of new settlements in the occupied territories. Israel is committed to making no alterations that would affect these negotiations. This commitment, which is in keeping with Israel's status as the occupying Power, will continue so long as the occupation continues. It cannot be shirked unilaterally by the occupying Power.

The Israeli Government has declared its policy *vis-à-vis* settlement activity. We have all been waiting to hear about this new policy and have heard that there are many restrictions. Regrettably, these turned out to be essentially illusory ones, with wide loopholes. The exclusion of Jerusalem, from the restrictions, and now that its boundaries have been extended to cover approximately a quarter of the West Bank, allows the expansion of existing settlements and has in practice led to the construction of thousands of new units. Therefore, Israeli settlement activity has become one of the main instruments for demolishing the peace process and constitutes yet another argument for those who misdoubt its outcome. Indeed, on the Israeli side, the enemies of peace are exploiting the question of settlements in order to ensure that they can foil any chance of success in the peace negotiations.

In confronting the crisis currently facing the peace efforts, and in view of the lack of a decisive and comprehensive Israeli commitment to ending settlement activities, recourse to the Security Council has become necessary in order to secure respect for the provisions of the Geneva Conventions. This is a collective international responsibility: all States parties to the Conventions bear responsibility for verifying their implementation, as is stated explicitly in article 1 of the Fourth Convention:

> "The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances."

Hence, the members of the Security Council, permanent as well as non-permanent members, as parties to the Geneva Conventions, bear a joint responsibility, that is clear and specific, to secure respect for the provisions of the Conventions.

The question of settlements in the occupied territories is very important politically and legally: on the one hand, the policy of establishing settlements is that contradiction to the concept and philosophy of peace because it constitutes a rejection in practice of the "land for peace formula" which is the basis of Security Council resolution 242 (1967). On the legal side, there is a consensus in the international community that there exist preemptory norms of international law better known as *jus cogens*. These norms cannot be violated, and one of them is the Fourth Geneva Convention. Under these comprehensive and binding rules, no party can argue that any bilateral agreement, of whatever kind, allows it to deny the right of the international community to discharge its fundamental responsibility for guaranteeing the implementation of these basic rules that have become firmly established within the international community.

The Security Council is called upon to shoulder its responsibilities and to take the necessary steps to impose respect for international Conventions and follow up the implementation of the relevant resolutions. This means that the Council must send a clear and unambiguous message to Israel that Israeli settlement activity is a grave legal violation that will also abort the peace negotiations.

The Israeli Government should respect its international commitments and immediately put an end to all construction and establishment of settlements under whatever guise and under whatever name.

Egypt has exerted great efforts to prevent the current crisis from leading to a collapse of the ongoing negotiations, and so convoked the quadripartite Cairo summit on 2 February and joined the four-Power meeting of Foreign Ministers in Washington on 12 February last.

Towards the same end and in the same earnest desire to safeguard the peace process, Egypt supported the appeal to the Security Council to consider decreeing a halt to Israeli settlement activity.

The widespread support for the peace process has been associated in the public mind with increasing hopes for the restoration of land and rights and for an end to the shedding of innocent blood, not to mention the initiation of regional cooperation and arms control and the development of the economies of the countries of the region with a view to raising their peoples' standards of living. There can be no doubt that, with each day that passes without tangible progress towards fulfilling these aspirations, support for the anti-peace camps on both sides will only increase.

Israel is being called upon today, more than at any time in the past, to respect its obligations as the occupying Power. Israel's responsibilities do not end with the respect for the principles of international law and international conventions; it goes beyond that: Israel has responsibility for preventing the collapse of the peace process and saving it from certain doom.

The widespread optimism that followed the world-famous handshake on the White House lawn has begun to dissipate in light of the deadlock in the negotiations. We are in a vicious circle of frustration, and this is leading to extremism and violence. We must end this tragic cycle: no peace effort can be successful so long as the practices of the past are recrudescing the present.

The Security Council must take a decisive step to reaffirm the need to respect international commitments and for all parties to implement their commitments to the last letter. Pious rhetoric alone will not provide a solution; the path forwards must be paved with actual deeds, not high-flown words. We hope that the Security Council will succeed in sounding a warning against these dangers and will find a way to avert them.

The President: I thank the representative of Egypt for the kind words he addressed to me.

Mr. Mérimée (France) *(interpretation from French):* My country deeply deplores the difficulties currently being experienced in the peace process, and which have led the Palestinians, supported by the Arab League, to request the Security Council to take up the question of the settlements in the occupied territories. At this meeting, my delegation will have the opportunity to set out the position of the European Union concerning the present situation in the occupied territories and the conclusions we draw from it.

I should therefore like at this point to stress the need for the parties involved to avoid any action which might harm the cause of peace. This is why it is clear to my Government that continuing the expansion of the Israeli settlements in the West Bank and Jerusalem — which ignores article 49 of the Geneva Convention of 12 August 1949 — runs counter to the spirit of the Oslo Agreements and is therefore contributing to the difficulties now being encountered in the peace process.

France therefore encourages the Israeli Government, within the framework of its commitment to peace and of the decision of principle it took long ago, to find a way to halt the work on expanding the settlements, which is being carried out by private interests and with private financing.

We understand that Israeli public opinion, understandably traumatized by the resurgence of terrorism, sometimes doubts the choice made at Oslo. That is why we call on the Palestinian Authority to do all it can, within the framework of the responsibilities entrusted to it, to prevent and to punish such acts.

Experience has shown that the problems of the peace process cannot be resolved by slowing that process or calling its validity into question. Rather, it was through agreement to move forward that Arab and Israeli leaders began, often in a striking way, to build peace together.

Mr. Wisnumurti (Indonesia): My delegation welcomed the request for this urgent meeting of the Security Council by the Group of Arab States in response to the rapidly worsening situation in the occupied territories. My delegation is hopeful that our consideration of the situation in Palestine will lead to the elimination of the obstacles being faced in the peace process.

The question before the Council today — that of settlements in the territories occupied by Israel since 1967 and related matters of peace and security in the Gaza Strip and the West Bank — concerns issues with a profound bearing on the peace process formally undertaken by the Israeli and Palestinian authorities through the peace accord signed in Washington in September 1993, namely, the historic Declaration of Principles on Interim Self-Government Arrangements.

My delegation notes with satisfaction some encouraging developments that have taken place in the search for a peaceful settlement to the question of Palestine in the context of a comprehensive Middle East peace process. The Cairo Agreement on the Gaza Strip and the Jericho Area, together with the 1993 Washington accord, also indicates that the parties concerned have taken up their solemn responsibilities with a view to achieving positive outcomes.

Despite these developments, the situation in the occupied territories continues to be fraught with difficulties and may well jeopardize the peace process, owing primarily to the continuation of untenable settlement activities. We are aware that our principal obligation is to try to enable the Government of Israel and the Palestinian Authority to cooperate in working out a systematic, tightly-phased formula and a plan for dealing with Israeli settlements in the territories occupied since 1967. The Agreement on Preparatory Transfer of Powers and Responsibility signed by the Palestine Liberation Organization and Israel on 29 August 1994 might be seen as a precursor to other future agreements.

Meanwhile, we note that both Palestinians and Israelis have been working to improve the political and security environment and have repeatedly sought to achieve progress towards peace. My delegation has been hopeful that both the parties have the necessary will and determination to resolve the myriad issues in a way that will not adversely prejudice the interests of either party.

But we cannot fail to note that certain untenable policies and practices by the Israeli Government have impeded further progress towards comprehensive peace. The continuation of settlement activities is indisputably among the most important, with its attendant grave security, economic and social repercussions. Thus, noting the applicability of the Hague regulations of 1907 and the Fourth Geneva Convention of 1949, my delegation strongly urges the Israeli Government to honour the provisions of those legal instruments scrupulously and to desist from planning, constructing and establishing settlements anywhere in the occupied territories.

There can be no doubt that the unending creation of settlements in the occupied territories has already created major impediments during the transitional period of Palestinian self-rule, and could have a negative impact on the outcome of the agreed-upon final status negotiations between Israelis and Palestinians concerning the occupied territories. Thus, these activities in themselves run counter to the peace accords and other agreements which have already been reached between the two parties.

My delegation therefore calls upon the Government of Israel to embark upon the speedy dismantlement of settlements, leading to a mutually supportive and positively reinforcing approach, such as that which resulted in important breakthroughs in the past and which ought to be renewed and sustained.

Mr. Fulci (Italy): Allow me first to join previous speakers in congratulating you, Sir, on your assumption of the presidency of the Security Council for the month of February.

Italy shares and endorses the views that will be expressed by France later on in its capacity as President of the European Union. My delegation would like to add a few points and comments to the statement to be made by France.

Italy was among those that, in the Council's informal consultations yesterday, supported the request for today's meeting made on behalf of the Arab Group by the Permanent Representative of Djibouti, Ambassador Roble Olhaye. In our opinion, that request was justified, procedurally and substantively. From the legal point of view, the relevant provisions are contained in Articles 34 and 35 of the Charter and in rules 2 and 3 of the Council's provisional rules of procedure. Those rules provide for the President's calling a meeting at the request of any member of the Security Council. Moreover, they provide that any member of the United Nations may bring to the Council's attention any dispute or any situation that might lead to international friction or give rise to a dispute. Moreover, we believe that this meeting is equally justified from the political point of view, because the Security Council could certainly not ignore a request emanating from 21 Member States.

My authorities believe that this debate ought not to interfere with the ongoing negotiations between Israel and the PLO. On the contrary, it should provide an opportunity for a constructive exchange of thoughts.

Three and a half years after it began at the Madrid conference in October 1991, the Arab-Israeli peace process has made notable progress on the Palestinian and Jordanian tracks. However, terrorist attacks by factions on both sides opposed to the coalition for peace — most recently the one cited by the representative of Israel, the 22 January suicide bombing by an extremist, in Beit

Lid — have led to a stalemate that we all fervently hope will end soon.

Italy, along with many other countries, is strongly convinced that there is no alternative to the diplomatic approach to the problem taken by the four-party Summit in Cairo on 2 February. Above all, one must keep in mind the growing convergence of objective interests on the part of the four protagonists. Nevertheless, it is still true that the concrete results of the Israeli-Palestinian negotiations are now more than ever placed at risk by the new terror offensive, and this at the very moment when the peace coalition is trying to consolidate the basis for a resumption of the talks.

The road to fostering a true return to the peace process is therefore, in our opinion, the fight against terrorism — in other words, the fight against the enemy, as terrorism is the real enemy of the peace process. Extremism on all sides and of all extractions must be routed. It is not hard, frankly, to place ourselves in the shoes of the people who are constantly exposed to the threat of indiscriminate terrorism; only thus can we possibly understand their concern and anxiety. And the fight against terrorism is obviously not the sole responsibility of one or two Members, but of all the Members of the United Nations, which must resolve to drive out the enemies of peace, wherever they may lurk.

As concerns the settlement policy, Italy cannot but support the precise stand unanimously taken by the European Union on 5 January last: that the settlements are illegal, since they are against international law and in particular against existing Conventions. With regard to the other matters — pulling out troops from the West Bank, organizing the election of the Palestinian Council and the free circulation of Palestinian workers — Italy also joins its European partners in calling upon the parties concerned to demonstrate political foresight and mutual goodwill so as to rapidly bring this stage of the negotiations to a successful end.

It would be truly paradoxical if a discussion in the Security Council were to make the peace process more complicated rather than easier. Italy, like almost every other country, has strongly supported the Washington agreement and its follow-up. Ever since those agreements were reached, we have done what we could in order to facilitate the process, not only politically and by contributing our share of the necessary financial support, but also, together with our friends from Norway and Denmark, by sending units of our police to help ease the tension in Hebron, within the framework of the Temporary International Presence in Hebron, which was, as we all know, successfully concluded.

We believe that it is our precise duty to continue to support and facilitate in every possible way the peace process, which remains the only possible road to ending, once and for all, this very long and very tragic conflict.

The President: I thank the representative of Italy for the kind words he addressed to me.

Sir David Hannay (United Kingdom): The Ambassador of France will be making an intervention later in this debate on behalf of the members of the European Union, and my Government fully supports the statement he will make then, which will set out in detail the European Union's views on this important issue.

My Government welcomes this opportunity for the Security Council to debate the situation in the occupied territories, since it offers Council members the opportunity to reiterate their whole-hearted support for the Middle East peace process, which is based on resolutions 242 (1967) and 338 (1973). The peace process is currently at a difficult and delicate stage, but we must not overlook the dramatic successes of the past few years.

My Government regrets the fact that the question of settlements has had to come before the Council again. One of the major achievements of the peace process has been that it has enabled the parties concerned to speak to each other directly and to resolve problems by direct negotiations. We want that process to continue.

But we understand the frustration felt by the Palestinians in relation to Israeli settlement activity. The British Government's position on settlements is well known, and I reiterate it now: they are illegal, they contravene the Fourth Geneva Convention and they represent an obstacle to an overall peace.

Moreover, the Declaration of Principles defined settlements as a final status issue, and the implication of that is that the status quo would remain in the meantime. Any expansion of existing settlements thus clearly goes against the spirit of the Declaration of Principles. Settlement expansion also undermines the confidence of one party in the true intentions of the other. It cannot be in Israel's interest to sow doubt about its good faith on

this crucial issue, especially when to do so plays straight into the hands of those hostile to the peace process.

At the same time, my Government cannot and does not underestimate or seek to belittle Israel's legitimate security concerns. We condemned the Beit Lid bombing in the strongest possible terms, and we have urged the Palestinians to do all they can within their area of responsibility to cooperate in the fight against terrorism. But Israel's security concerns, however legitimate, must not be allowed to hold up progress towards peace.

In the view of my Government, the only viable way forward is for Israel and the PLO to accelerate their negotiations with each other with a view to completing the process initiated on the White House lawn on 13 September 1993 and to implementing the Declaration of Principles and the subsequent agreements reached at Cairo and Erez. The international community must continue to offer its full support to the parties in their efforts, but the international community cannot become a substitute for direct bilateral negotiations between the parties.

Mr. Gnehm (United States of America): The United States believes that the ultimate test for our activities in the Security Council must be whether our actions serve the cause of peace. My Government doubts that Council activity on this subject at this time is likely to pass that test.

The prestige and authority of the Security Council are important assets. At critical moments, the Council has exercised its authority to further international peace and security, with a very lasting influence. Resolutions 242 (1967) and 338 (1973) have long provided a basis for negotiations and, as the foundation of the Madrid process, are examples of the positive role played by the Security Council.

The Declaration of Principles signed by the parties in September 1993 represents an agreed approach to the negotiating process. My Government believes it would not be productive or useful for the Council to involve itself now in a question that the parties have agreed to cover when they address permanent status issues in their negotiations. Our conviction on this point is reinforced by the ability the parties have demonstrated to address difficult issues and to resolve them, as demonstrated by their agreements on the Gaza Strip and the Jericho Area, and on the Preparatory Transfer of Powers and Responsibilities.

Israeli and Palestinian negotiators are currently engaged in talks on an extensive and difficult list of issues. A balance must be found that addresses both Israel's security concerns and the Palestinians' political and economic concerns. The parties are making serious efforts to find that balance. They remain committed to their agreements and to the process.

Surely at this sensitive time no member of this Council would propose making it more difficult for the parties to move forward in those talks. My Government believes that debate here can only sour the atmosphere and deflect the parties from the need to work together on the path they have set for themselves.

The United States remains actively engaged with the parties to help them work through these concerns. Secretary of State Christopher will travel to the Middle East next week to consult with key regional parties. He will explore ways to consolidate agreements already reached and to lay the basis for future progress. Therefore, the United States delegation must oppose any activity that would only complicate efforts to spur the negotiating process.

My Government acknowledges and respects the interest of the United Nations and the Security Council in the peace process. We support the vital work of the United Nations agencies and the United Nations Special Coordinator to improve economic conditions. We must disapprove, however, of any effort to redirect the negotiating process agreed to previously by the parties. The authority of the Security Council should be invoked only wisely, sparingly and at the proper time.

Mr. Martinez Blanco (Honduras) (*interpretation from Spanish*): My country has been following the question of Palestine within the context of events in the Middle East. Over the years the restoration of the Palestinian people's rights over the territories occupied since 1967 has been a matter of constant concern. The signing by Israel and the Palestine Liberation Organization (PLO) in September 1993 of the historic Declaration of Principles on Interim Self-Government Arrangements in the Gaza Strip and the Jericho area was a great step forward, and it gave rise to great expectations that a just and wide-ranging solution to the question of Palestine would be achieved. Similarly, the Agreement on the Gaza Strip and the Jericho Area, signed between the Government of Israel and the PLO in Cairo on 4 May 1994, was a significant and positive

event in the search for a peaceful settlement of the question of Palestine.

Those efforts are now clouded, however, by the settlements in the occupied territories, which constitute an obstacle to the peace process. My delegation considers it imperative that during the transitional period the practice of establishing settlements in the occupied territories be eliminated. The achievement of a peaceful, just and lasting settlement of the question of Palestine and the Arab-Israeli conflict must be based on the principle of "land for peace" and on the relevant resolutions of the Security Council calling for a withdrawal from all the occupied territories in order to guarantee the legitimate rights of the Palestinian people.

Undeniably, the success of the peace process between Palestine and Israel depends to a great extent on the fulfilment of the commitments contained in the Agreement I have mentioned. In addition, the provisions of the Fourth Geneva Convention of 1949 must be respected in the Palestinian territories. Two reports submitted to the General Assembly last year — one by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, and the other by the United Nations Relief and Works Agency for Palestine Refugees in the Near East — note that since September 1993 the practices of expanding settlements and constructing dwellings in the occupied territories have been stepped up. Two letters recently addressed to the Secretary-General by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and by the Permanent Observer of Palestine to the United Nations also confirm the Israeli practice of establishing settlements and constructing dwellings in the occupied territory of the West Bank.

My delegation considers that the question of the settlements is one of the issues that, in accordance with the Declaration of Principles, should be resolved in the permanent-status negotiations during the last phase of the peace process. But at the same time we believe that, besides the necessity of respecting the provisions of the Declaration, the parties are obliged to refrain from engaging in behaviour or practices that jeopardize the objectives of the Declaration, undermine confidence, create difficulties during the transitional process or impair the results of the permanent-status negotiations in the Palestinian-Israeli track of the Middle East peace process.

My delegation considers that recognition of the rights of the Palestinian people is an essential requirement for ensuring peace in the Middle East. What is most important in the peace negotiations is that they move forward, not slip backwards. This opportunity to provide a definitive solution to the Middle East question is unique and historic. The parties participating in the process must seize this opportunity and avoid taking rigid or negative attitudes.

We believe that this Organization, which has been making considerable contribution to the peaceful settlement of the question of Palestine, must play a fundamental role in the peace process by taking on the responsibility of overseeing the successful implementation of the commitments reached between the PLO and Israel. We hope the peace process in the Middle East will be further strengthened by the effective implementation of the Declaration of Principles and all the other agreements reached between the two parties. The final objective must be the attainment of a just, comprehensive and definitive settlement in accordance with the relevant resolutions of the Council.

My delegation would therefore support any action by the Council calling upon the parties to show a genuine desire for peace, by respecting their commitments under the Declaration of Principles, the Cairo Agreement and all subsequent agreements by putting an end to the settlements policy and by continuing to negotiate in good faith to resolve remaining questions.

The President: There are a number of names remaining on the list of speakers. In view of the lateness of the hour, and with the concurrence of the members of the Council, I intend to suspend the meeting now. The Security Council will continue consideration of the item on its agenda later this afternoon at 3.30 p.m.

The meeting was suspended at 1.30 p.m.

United Nations S/PV.3506

Security Council

Fiftieth Year

Provisional

3506th Meeting

Thursday, 9 March 1995, 4.30 p.m.

New York

President:	Mr. Li Zhaoxing	(China)
Members:	Argentina	Mr. Cárdenas
	Botswana	Mr. Nkgowe
	Czech Republic	Mr. Rovensky
	France	Mr. Ladsous
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wibisono
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Mr. Plumbly
	United States of America	Mr. Inderfurth

Agenda

The situation in Burundi

Report of the Security Council Mission to Burundi on 10 and 11 February 1995 (S/1995/163)

95-85193 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 5.05 p.m.

Expression of thanks to the retiring President

The President *(interpretation from Chinese)*: As this is the first meeting of the Security Council for the month of March, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Legwaila Joseph Legwaila, Permanent Representative of Botswana to the United Nations, for his service as President of the Security Council for the month of February 1995. I am sure I speak for all members of the Security Council in expressing deep appreciation to Ambassador Legwaila for the great diplomatic skill and unfailing courtesy with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

Report of the Security Council Mission to Burundi on 10 and 11 February 1995 (S/1995/163)

The President *(interpretation from Chinese)*: I should like to inform the Council that I have received a letter from the representative of Burundi in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Bukuru (Burundi) took a place at the Council table.

The President (*interpretation from Chinese*): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Security Council Mission to Burundi, document S/1995/163.

I should like to draw the attention of the members of the Council to the following other documents: S/1995/157, letter dated 23 February 1995 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the preparatory fact-finding mission to Burundi; and S/1995/185, letter dated 6 March 1995 from the Chargé d'Affaires *ad interim* of the Permanent Mission of Burundi to the United Nations addressed to the President of the Security Council.

Members of the Council have received photocopies of a letter dated 8 March 1995 from the Chargé d'Affaires *ad interim* of the Permanent Mission of Burundi to the United Nations addressed to the Secretary-General. This letter will be issued as a document of the Security Council under the symbol S/1995/190.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council has considered the reports of its Mission to Burundi which visited Bujumbura on 10 and 11 February 1995 and welcomes the observations and recommendations contained in the report of the Mission (S/1995/163). It expresses its appreciation to the Mission members for their efforts.

"The Security Council recalls its earlier statements on the situation in Burundi, in particular that of 31 January 1995 (S/PRST/1995/5). It remains deeply concerned that a climate of insecurity continues to prevail in Burundi. It condemns the activities of those, both within and outside the country, who seek to nullify the agreed power-sharing arrangements contained in the Convention of Government of 10 September 1994 by resorting to undemocratic methods such as intimidation and incitement to violence, as well as guerilla activities and subversive political activity. Such actions have threatened peace, stability and national reconciliation.

"The Security Council reaffirms its support for the Convention of Government and for the coalition Government established under it. In this connection, it notes the appointment of the Prime Minister and his Cabinet and urges all parties in Burundi to work together to ensure stability in the country.

"The Security Council reaffirms the view that impunity is a fundamental problem in Burundi, one which seriously endangers security in the country, and stresses the importance it attaches to assistance being given to help strengthen the national judicial system. In this context, it underlines the role that could be played by an international commission of inquiry into the 1993 coup attempt and into the massacres that followed, established in accordance with the Convention of Government.

"The Security Council strongly reaffirms its support for the implementation of the provisions of the Convention of Government calling for the holding of a national debate with the participation of all segments of the society in Burundi, as a means of fostering political dialogue.

"The Security Council underlines the importance of assisting the Government of Burundi in its efforts to restore stability and promote national reconciliation. In this context, it encourages the Secretary-General, in consultation with the Government of Burundi, to augment the United Nations presence in the country, in order to assist the Government of Burundi in strengthening the national judicial system, training civilian police forces and establishing an effective administrative presence in the provinces. It commends the important role played by the Special Representative of the Secretary-General.

"The Security Council reiterates that improving the security situation in Burundi must be given high priority. It encourages the High Commissioner for Human Rights, in consultation with the Government of Burundi and in close coordination with the Special Representative of the Secretary-General, to reinforce the office he has established in Burundi. Consideration could also be given to the role human rights monitors could play.

"The Security Council also recognizes the significant contribution made by the Organization of African Unity (OAU) military observers. It encourages the OAU, in consultation with the Government of Burundi, to further increase their number and calls upon the international community to assist the OAU in this regard.

"The Security Council further calls on all parties in Burundi to cooperate with international observers and other personnel by ensuring unimpeded access to all parts of all parties of the country.

"The Security Council requests the Secretary-General to continue to keep it fully informed of developments in Burundi. The Security Council will remain actively seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1995/10.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.15 p.m.

United Nations S/PV.3507

Security Council

Fiftieth Year

Provisional

3507th Meeting

Thursday, 9 March 1995, 5.15 p.m.

New York

President:	Mr. Li Zhaoxing	(China)
Members:	Argentina	Mr. Cárdenas
	Botswana	Mr. Nkgowe
	Czech Republic	Mr. Rovensky
	France	Mr. Ladsous
	Germany	Mr. Graf zu Rantzau
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wibisono
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Sidorov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Mr. Plumbly
	United States of America	Mr. Inderfurth

Agenda

Date of an election to fill a vacancy in the International Court of Justice (S/1995/178)

95-85199 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178.

The meeting was called to order at 5.15 p.m.

Adoption of the agenda

The agenda was adopted.

Date of an election to fill a vacancy in the International Court of Justice (S/1995/178)

The President (*interpretation from Chinese*): The Security Council will now begin its consideration of the item on the agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1995/178, which contains the note dated 6 March 1995 by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice. That note explains the need for the item on our agenda.

The recent death, on 24 February 1995, of Judge Roberto Ago has created a vacancy in the International Court of Justice which has to be filled. Judge Ago, a member of the International Court of Justice, had a long and distinguished career in the service of the Court and of his country in the field of international law and diplomacy. He was President of various arbitration tribunals, in particular the Franco-German Tribunal on the Saar, the Arbitration Tribunal between France and the United States on the Interpretation of the Air Transport Agreement, and the Arbitration Tribunal on the question of the *Grands Moulins de Dakar*.

He represented Italy in numerous United Nations bodies. He was head of the Italian delegation to United Nations Conferences on the Law of the Sea in 1958 and 1960, to the Conference on Diplomatic Relations in 1961, and to the Conferences on the Law of Treaties in 1968 and 1969. From 1957 to 1959 he was a member of the International Law Commission, and he was also a member of the Permanent Court of Arbitration from 1957. From 1959 to 1960 Judge Ago was an ad hoc judge in the International Court of Justice. An eminent Italian university professor of international law, Judge Ago was a member of the Commission for drafting the European Constitution.

He was the recipient of the Grand Cross and the Order of Merit of Italy and of the Order of Merit of Germany, as well as *Officier* of the *Légion d'honneur* of Nice, Paris and Toulouse in France.

Judge Roberto Ago was the author of several legal publications as well as Director and Co-Director of various Italian law reviews. He was indeed a most distinguished scholar, international lawyer and jurist and an eminent judge. His loss has been deeply felt by the Government and the people of Italy, by the International Court of Justice and by the international community as a whole.

I am sure that I am expressing the sentiments of all the members of the Council in extending sincere condolences to the President of the Court, to the Government of Italy and to the bereaved family of Judge Roberto Ago.

Judge Roberto Ago was elected a member of the International Court of Justice on 6 February 1979. He was re-elected as from 6 February 1988 for a further period of nine years. His term of office would have expired on 6 February 1997.

Under Article 14 of the Statute of the International Court of Justice, the Security Council is to fix the date for the election to fill the vacancy in the Court. As agreed during our prior consultations on this matter, the election could take place on 21 June 1995 at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session.

Members of the Council also have before them document S/1995/186, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

May I take it that the Council is ready to proceed to a decision on the draft resolution?

There being no objection, it is so decided.

In the light of the consultations which I have held, it is my understanding that the Council is ready to adopt the draft resolution contained in document S/1995/186 without a vote.

There being no objection, it is so decided.

The draft resolution has been adopted as resolution 979 (1995).

The Security Council has thus concluded its consideration of the item on the agenda.

The meeting rose at 5.20 p.m.